

Report of the

CITY OF FRESNO

CHARTER REVIEW COMMITTEE

to the

FRESNO CITY COUNCIL

November 3, 1992

CITY OF FRESNO CHARTER REVIEW COMMITTEE

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We note in sadness the passing of Lewis S. Eaton,
who initially met with us and gave us our charge.
We dedicate this report to him.

FOREWORD

The members of the Charter Review Committee were first presented to the Fresno City Council on July 21, 1992. The formation of the committee was a direct result of the recommendations of the Little Hoover Commission; the blue ribbon Nominating Committee which selected the Little Hoover Commission also served as the Nominating Committee for the selection of Charter Review Committee members.

Our specific charge was “to recommend a government structure that will efficiently and effectively manage the City from now and into the year 2020.” Within this charge, we were also asked to recommend the advisability of adding one or more council districts, and the method of electing council members from each district, including current districts. The Little Hoover Commission has specifically addressed the issue of Charter Section 809; this Committee’s charge did not include a review of that section of the Charter.

The committee consisted of nine members--one from each council district and three at-large members. On July 15, 1992, the Nominating Committee held an initial meeting with the members selected to serve on the Charter Review Committee, after which the committee met alone for the first time and selected Bill Stewart as their chairman.

At its first full meeting, the Committee felt it was very important to submit our recommendations to the Council in time to allow the Council to give them due consideration and to place them for inclusion on the March, 1993, ballot. After consulting with City staff, we concluded that our report must reach the City Council by its November 3, 1992, meeting which, coincidentally, was election day.

As a result of this time line, the Committee sought to acquire the most research and citizen input it could in the time available to us. Subcommittees were formed as follows: The Academic/Research Committee consisted of Dr. Marn Cha; the Citizen Input Committee consisted of Consuelo Meux, Hugo Morales and Bud Gaston; the Official Input Committee consisted of Leonel Alvarado and Ida Parrott; the Finance Committee consisted of Roger Flynn and Dr. Bill Stewart; the primary responsibility of writing the final report was given to Debra Kazanjian. Dr. Bill Stewart; the primary responsibility of writing the final report was given to Debra Kazanjian. Dr. Bill Stewart presided over all of our meetings.

Beginning in August, 1992, and continuing on a regular basis through the end of October, 1992, the committee met and gathered information to allow us to form our conclusions. We met with a panel of academicians to review the current literature and philosophies pertaining to our charge; we met with the City Manager, Mayor and members of the City Council; we met with various citizens, citizens’ groups and other local officials.

We reviewed the City Charters and charter review reports of other California cities. Committee member Bud Gaston, while on his own private vacation, interviewed public officials from the cities of Atlanta, Georgia and Pittsburgh, Pennsylvania as to their form of government and method of election. We reviewed the 1992 City of Fresno Statistical Abstract and numerous other research materials provided to us by Dr. Cha, the city Manager's office, the League of California Cities and the Fresno League of Women Voters.

In our meetings with citizens and citizens' groups, we received several ideas to improve city government and citizen participation. One idea that was consistently raised was the possibility of reviving neighborhood councils. We also heard testimony from noncitizen residents about their need to participate in the political process; the possibility of neighborhood councils might help meet such a need.

The Committee had no budget when it was initially constituted and City budget constraints precluded any allocation for this purpose. The Committee solicited donors from the community, who generously funded the committee's expenses.

The membership of the Charter Review Committee represented a variety of viewpoints, reflecting the Council's desire to make it broadly representative of the whole community. The scope and nature of our charge required us to deal with a number of controversial issues. Nevertheless, an atmosphere of professionalism and collegiality pervaded our work.

Each of the recommendations of this Committee emerged after careful study and consideration; all have withstood the test of frank and open discussion. The recommendations faithfully carry out the charge given to this Committee to propose changes that will take our municipal government into the 20th Century.

PRINCIPAL RECOMMENDATIONS

FORM OF GOVERNMENT

BACKGROUND

Originally, the City Manager form of government evolved out of the reform movement in the United States in the late 19th and early 20th century as a response to widespread corruption. Pursuant to our City charter, Fresno's Mayor is elected at large, presides over the Council and is a voting member of the council. The Mayor has no veto power, appoints members of boards and commissions subject to confirmation by the Council, and is recognized as the official head of the City.

Our charter further provides that the six Council members are elected by district and constitute the governing body of the City. The City Manager is a professional, who serves as the Chief Administrative Officer and is the head of the administrative branch of the City government; he/she serves at the pleasure of a majority of the Council. The Council-Manager form of government is the most commonly used form of government in the country today.

In reviewing the Charter, the Committee felt very strongly that the Charter should not be read nor revised with certain personalities in mind. Rather, the only criteria for our research and recommendations would be the charge given to us, to wit: "To recommend a government structure that will efficiently and effectively manage the City from now and into the year 2020."

The overwhelming majority of our research, interviews, personal observations, and consideration of Fresno's future growth led us to the conclusion that our current form of government is not best suited to lead us into the 20th Century. The Little Hoover Commission Report emphasized the need for the Mayor and Council to share a common "Vision" of what Fresno should be as the turn of the century approaches. Fresno's rapidly changing population size, diversity and economic demands require decisive leadership and a government framework that allows that leadership.

Under our current Council-Manager form of government, decisive leadership by the Mayor and City Manager is extremely difficult because all members of the Council and the Mayor constantly want the full and undivided attention of the City Manager. Fresno's past record indicates that the average Manager's tenure is three years, which does not give rise to the opportunity to develop a common "Vision" with the Council.

The Committee feels that the Mayor, as the single official elected citywide, must be given the authority to compel legislative action and to subdue, by veto, any action conceived which has as its results the denigration of effective governance.

The Mayor should be considered not only as a presiding officer and ceremonial officer, but as the leader in setting agendas. Local governance must rely upon a popularly elected Mayor; authority to perform must be provided and power to initiate action must be included.

Recommendations

The Committee strongly recommends that the City amend its charter to adopt a Strong Mayor form of government only as long as specific checks and balances delineated below are given to the Council. The Strong Mayor form of government suggested herein is not meant to be synonymous with conjured images many have of big city politics in the East, which are associated with corruption and patronage. Rather, the Strong Mayor form we recommend allows the Mayor to articulate a vision, to have a professional manager to help implement the vision, and a City Council vested with certain powers to hold the Mayor's increased powers in check. Some argue that the Council-Manager form of government can work if the personality of the Mayor is that of a "strong leader." As set forth above, we do not believe that the City is best served if our recommendations consider the personalities of any public officials. We are, instead, suggesting a structural change to insure that our government is not driven by a personality but is, instead, driven by a process.

Under the Strong Mayor form of government recommended below, the traditional responsibilities of a professional City Manager would remain. The City Manager would retain the power to ensure that the City Charter and Ordinances are enforced, exercise control over all departments, appoint all department heads, assist the Mayor in preparing the budget, establish financial and accounting records, establish a central purchasing system, advise the Mayor of the City's financial affairs, and perform such other duties as prescribed by the Charter or required of him/her by the Mayor. It is important that the City Manager retain these traditional duties so that the City may continue to be well-managed in an efficient and productive manner.

Specifically, we recommend the following changes to our form of government, to be voted on in the March, 1993 city-wide elections, but not to be implemented until the next city-wide mayoral election four years from March, 1993:

Mayor

Fresno should adopt a Strong Mayor form of government.

The Mayor would not sit as a voting member of the City Council.

The Mayor would be recognized as the executive head of City government.

The Mayor would be assigned responsibility for human relations leadership in the community.

The Mayor would be required to develop an annual municipal legislative program for presentation to the Council and would be authorized to develop and propose other legislative proposals to the Council from time to time.

The Mayor would prepare or cause to be prepared the proposed annual city budget, and would submit the same to the Council for their deliberation and approval.

The Mayor would not directly supervise any City department. A professional City Manager would directly supervise all operations of City departments.

The Mayor would be authorized to appoint members of boards, commissions and permanent committees. Said appointments would be confirmed by a majority of the Council.

The Mayor would be given the power of veto in all matters which must be passed by the City Council; the mayor must exercise his/her veto within ten (10) days of passage of a measure, otherwise the measure becomes effective without his/her signature; the Council shall have thirty (30) days from the date of a veto to override it by a two-thirds (2/3) majority.

The Mayor would be elected at large.

The Mayor would provide the liaison between the City Manager and the Council, fostering a sense of cohesion among Council members and educating the public about the needs and prospects of the City.

The Mayor would hire and fire the City Manager, City Attorney and City Clerk, subject to the approval of a majority of the City Council.

City Manager

The City Manager would be a professional, pursuant to the same qualifications of a City Manager now contained in Section 701 of the Charter of the City of Fresno.

The City Manager, City Attorney and City Clerk would be hired and fired by the Mayor, subject to the approval of a majority of the City Council.

The City Manager would continue to be the head of the administrative branch of the City government.

The City Manager should retain the right to hire and fire all major department heads and division heads; all executive-level and policy making-level employees should remain exempt from the Civil Service System.

The City Manager would continue to retain those powers granted him/her under Section 705 of the current Charter, except as otherwise specifically modified by the recommendations contained herein

ELECTION SYSTEM

Background

Currently, all six Council members are elected by district. By City Ordinance, the allowable population within each Council district ranges from a minimum of 60,541 persons to a maximum of 66,913 persons. The State of California has recently announced that the January 1, 1992, City of Fresno population is 382,362 persons. It is estimated that Fresno's population will be at 500,000 by the year 2000. This year's required analysis by City staff of the population distribution of the six Council districts found that, due to Fresno's rapid growth, in-migration and annexation activity, Districts 4, 5 and 6 were not in conformance with the population criteria of Article 2 of the Fresno Municipal Code. The Council was in the process of changing district boundaries to comply with the Municipal Code at the time our research was being conducted.

Pursuant to the terms of the Voting Rights Act, most communities now adopt some form of district elections. The concept of district elections helps provide comprehensive neighborhood-based representation to all of the City's residents. District elections provide a way to encompass and integrate a diverse population mix into the political life of the City. Groups which see little or no chance of

affecting outcomes of a city-wide election may become dispirited. Moreover, resentment at exclusion can grow. Opinion is split on whether the costs of organizing a local campaign are much less than for a city-wide campaign. Further, legitimate policy concerns may go unexpressed and unrepresented if the Council reflects only a relatively homogeneous majority bloc of voters.

Notwithstanding the merits of district elections, at-large election advocates argue that district elections, while solving the problem of providing the opportunity for representation to minorities, fosters a system where Council members cannot rise above the parochial interests to look to the needs of the city as a whole. At-large devotees also point out that their system can broaden minority representation by increasing a minority group's influence over a larger number of City Council races than possible under a strictly single-member district system. The fact that district-based and at-large Councilmembers represent different constituencies causes a wider range of policy issues to be discussed at Council meetings. The result is that all Council members have a more representative picture of what is going on throughout the city.

Recommendations

The Committee felt that it was imperative to maintain district elections by at least the current six districts. The committee also felt that at least three more Council members should be added to accommodate Fresno's growth and to facilitate the Strong Mayor form of government. The three additional Council members would be elected by district. It was the strong feeling of the Committee that no additional Council districts be added if the Council does not accept our recommendation to change to a Strong Mayor form of government.

The following, then, are recommended changes to our election system to be voted on in the March, 1993 city-wide elections, but not to be implemented until the next city-wide mayoral election four years from March, 1993:

City Council

The City Council would retain all powers not otherwise specifically provided by law or by City Charter and not otherwise specifically modified by the recommendations herein.

The City Council would be increased to nine members; the Mayor would not serve on the Council.

New Council Districts would be drawn, each having approximately the same population and all nine Council members would be elected by district.

The Chairperson of the council would be elected by majority vote of the Council members and would serve as the Mayor Pro-Tem in the absence of the Mayor. He/she would still vote at Council meetings when serving in the absence of the Mayor.

OTHER RECOMMENDATIONS

While the committee was not specifically charged with review of certain charter provisions, it nevertheless makes recommendations on the following:

1. City-wide elections should be changed from odd-numbered years to even-numbered years to save the approximately \$500,000.00 it costs to have off-year elections and to increase voter turnout.
2. Each Council member should have the right to appoint his/her own Council assistant.

ACKNOWLEDGEMENTS

The Committee expresses its thanks to City Manager Michael Bierman and Chief Deputy City Manager James K. Katen for their special efforts in securing and delivering various research materials which were requested of them by the Committee. Without their assistance, the Committee's work could not have been accomplished given our time frame.

The Committee also thanks Mayor Karen Humphrey and Council members Rod Anaforian, Tom Bohigian, Brian Setencich and Robert Smith, each of whom personally met with the Committee and provided valuable insight to our work.

No work of this scope and time frame would be possible without the efforts of a very capable administrative assistant to keep the Committee informed and organized. The Committee is deeply grateful for the support and services of Cindy Spring, Administrative Assistant to Dr. Bill Stewart. Cindy's professionalism and quiet competence allowed the work of the Committee to proceed on schedule.

We would also like to thank the following businesses for their commitment to good government through their contributions of office space and financial support to the Committee:

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